

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3058 of 1997

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KIRTIKUMAR K JANI

Versus

STATE OF GUJARAT  
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Appearance:

MR SA BAQUI for Petitioner

MR KM MEHTA, A.P.P. for Respondent  
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CORAM : MR.JUSTICE M.H.KADRI

Date of Order: 06/06/97

ORAL ORDER

1. The petitioner who is a practising advocate has filed this application under Section 439 (1) of the Code of Criminal Procedure to enlarge him on bail in connection with Cr. No. I-0061/97 registered at Karanj Police Station for the offences punishable under Sections 454, 380, 114 I.P.Code.

2. Earlier the petitioner had moved the Sessions Court No.15, Ahmedabad City, by filing Criminal Misc. Application No.1184/97 to release him on bail under Section 439 (1) of the Code of Criminal Procedure which came to be rejected by the Court No.15, Ahmedabad City on 14th May, 1997.

3. Learned A.P.P. has produced police papers of the case before me. Learned advocate Mr.S.A.Baqui has vehemently argued that there is no prima facie case against the petitioner and he is falsely involved. That the Havaladar of the court of learned City Civil Judge Mr. H.B. Antani had only seen the petitioner standing outside the court and not seen him taking away the case papers of Criminal Revision Applications Nos.20/97 and 35/97. The arguments of learned advocate Mr. Baqui is devoid of any merit. If we read the statement of Havaladar Rabari, then it becomes clear that he had closed the door of the court of learned Civil Judge Antani and had gone downstairs as it was the time of arrival of Mr.

Antani. After he returned to the court, he found the door open and the files of Criminal Revision Applications Nos. 20/97 and 35/97 were found missing from the cupboard. At that time also the petitioner was standing outside the court and one person who was accompanying the petitioner was missing. It must be stated that in both the Criminal Revision Applications the petitioner was involved and he had come to argue those cases. It must be stated that the file of Criminal Misc. Application No.20/97 contains 1226 pages and when it was received by post 696 pages were found. Thus, it becomes clear that there was deliberate attempt to play mischief with the original record of the case in which the petitioner was a party. Apart from this, the petitioner was in the custody in connection with some other cases relating to forgery and he was released on temporary bail from 11-3-97 to 15-3-97 on the occasion of his daughter's marriage. Intentionally the petitioner did not surrender to the court custody on 15-3-97 with a view to play mischief as both the Criminal Revision Applications were posted for hearing on 17-3-97. Learned A.P.P. has also brought to my notice that there are 6 cases pending against the petitioner which are of serious nature and it is alleged in those cases that the petitioner has forged signatures of some judges of this court. The conduct of the petitioner is such that if he is enlarged on bail, he would not be available for the trial and he would create many hurdles and difficulties in the fair investigation and fair trial of the criminal cases which are pending against him. The conduct of the petitioner in not surrendering himself after the period of temporary bail is over, speaks volumes of the petitioner's conduct and his activities to create hurdles in the administration of justice. The petitioner has misused the grant of temporary bail in his favour.

4. If we read the complaint and the statements recorded during investigation, prima facie it shows that the petitioner was very much interested in Criminal Revision Applications Nos. 20/97 and 35/97 and with a view to destroy evidence with the help of some unknown person, he had taken away the record of the Criminal Revision Applications from the court of learned Judge Mr. Antani. If the petitioner is enlarged on bail, then he would continue his illegal activity of playing mischief with the court record and forging signatures of Judges. Therefore, I do not find any substance or merit in this application for bail and it is rejected. Rule discharged.

